

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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SHIKEMA WILLIAMS, as Administratrix of  
the Estate of Frederick Velez, et al.

Plaintiffs,

v.

6:17-cv-750  
(TJM/ATB)

SUSAN CONNELL, et al.,

Defendants.

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**Thomas J. McAvoy, SR. U.S.D.J.**

**ORDER**

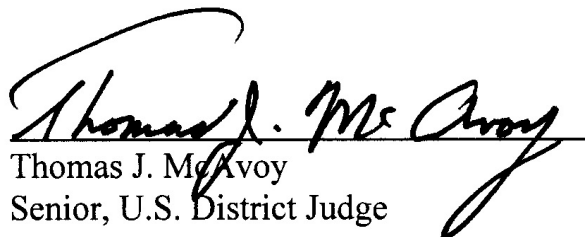
Defendants filed a motion to dismiss this action, which alleges that Defendants violated the rights of Plaintiff and Plaintiff's decedent when they failed to prevent a fatal assault from another prison inmate at the Oneida County (New York) Correctional Facility. See dk. # 47. After Defendants filed their motion, Plaintiffs sought leave of court to file a Second Amended Complaint. See dk. # 49. The Court granted this motion, providing Plaintiffs until October 18, 2017 to file that Second Amended Complaint. See dk. # 50.

As filing the Second Amended Complaint would cause the Defendants' motion to become moot, the Court will DENY the Defendants' motion to dismiss, dk. # 47, with leave to renew should Plaintiffs fail to file an amended complaint as contemplated in the Court's earlier order. Should Plaintiffs file a Second Amended Complaint, the Court's order here will have no effect on Defendants' ability to respond in any appropriate way to

that Second Amended Complaint.

**IT IS SO ORDERED**

Dated: October 2, 2017

  
Thomas J. McAvoy  
Senior, U.S. District Judge